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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,355	10/17/2000	Ghassan Semaan	453.03	3493
2292	7590	12/08/2004		EXAMINER
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				FERRIS, DERRICK W
			ART UNIT	PAPER NUMBER
				2663

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/691,355	SEMAAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Derrick W. Ferris	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 September 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 September 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. **Claims 1-22** as amended are still in consideration for this application. Applicant has amended claims **1 and 11**. Applicant has canceled no claims. Applicant has added claims **21 and 22**.
2. With respect to the drawings, applicant's assumption is flawed since the correspondence is between the *examiner* and the applicant (and not the *draftsperson* and the applicant). Typically the draftsperson will review the drawings closer to issue and notify the applicant if any corrections are necessary via a special form letter.
3. Examiner does **not withdraw** the anticipated rejection to *Palmer* for Office action filed **06/14/2004**. In response to applicant's arguments, applicant argues the limitation of defining one or more profiles for each characteristic, the one or more profiles *assigning specific values* to said each characteristics. *Palmer* teaches a logical object as a "logical entity", an attribute as a characteristic, and a physical instantiation of the logical object (i.e., physical object) as a profile. In particular, when the management station (CMS 15 or local management system 16) instantiates the logical object, a profile is assigned or mapped based on the correlation layer. As physical attributes represent the logical object's attributes or characteristics, the profile is assigned a specific value based on each physical object. By way of example, the bridge object class, see e.g., column 7, lines 54-60, contains the following attributes: bridge type, bridge ID, service state and alarm state. During e.g., provisioning or reconfiguration, the bridge object is instantiated or mapped to a physical object where the physical object is assigned specific values for each attribute or characteristic representing the actual physical object (i.e., each physical

object is a profile). Thus a specific bridge representing a profile would be assigned specific values representing the bridge type, bridge ID, service, state and alarm state.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., configuration of alarm conditions or more particularly *the assigning* (and not *defining* as recited in the claims) of specific *profiles* to a specific characteristic) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-22** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,295,139 A to *Palmer*.

As to **claim 1**, figure 3 of *Palmer* shows a network element feature (e.g., path, circuit, channel) as a logical entity (i.e., logical objects), see e.g., column 7, lines 4-14. One or more characteristics associated with a network element, the characteristic related to functional attributes of the network elements, are shown as associated attributes of the object class, see e.g., column 7, lines 47-60. Instances of a certain object class have specific attributes and thus make up a “profile”. For example, an instance of the Bridge object class (see column 7, lines 54-60) would have specific attributes relating to bridge

type, bridge ID, service state, and alarm state making up a profile. Thus two instances of the same (logical) “entity” can be represented by different profiles.

As to **claim 2**, see e.g., column 4, lines 37-54 with respect to SONET.

As to **claim 3**, see e.g., column 9, lines 17-23 with respect to a hardware object class. Also see figure 3 with respect to network interface devices and transmission links.

As to **claim 4**, see e.g., column 8, lines 11-14 with respect to channel.

As to **claim 5**, each instance is a profile, see the rejection to claim 1.

As to **claim 6**, alarm levels are defined as “alarm state”, see e.g., column 7, line 60. Also see column 13, lines 25-37 with respect to failures.

As to **claim 7**, the “alarm state” is a type of alarm.

As to **claim 8**, examiner notes a broad but reasonable interpretation of “performance characteristics”. As such, see e.g., a service state at column 7, lines 59-60. Also note column 8, line 16-18 with respect to type of information.

As to **claim 9**, such information can be used to generate status reports, see e.g., column 13, lines 45-55.

As to **claim 10**, see e.g., column 7, lines 25-31 with respect to “multiple ownership” and attributes that include “owners”.

As to **claim 11**, see similar rejection to claim 1.

As to **claim 12**, see similar rejection to claim 2.

As to **claim 13**, see similar rejection to claim 3.

As to **claim 14**, see similar rejection to claim 4.

As to **claim 15**, see similar rejection to claim 5.

As to **claim 16**, see similar rejection to claim 6.

As to **claim 17**, see similar rejection to claim 7.

As to **claim 18**, see similar rejection to claim 8.

As to **claim 19**, see similar rejection to claim 9.

As to **claim 20**, see similar rejection to claim 10.

As to **claims 21 and 22**, *Palmer* teaches reconfiguration such that reconfiguration assigns a new profile (i.e., modified profile) to a logical object. As such, if a user decides to change a new end-point (i.e., based on a user preference) then the profile is modified to accommodate that new end point.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

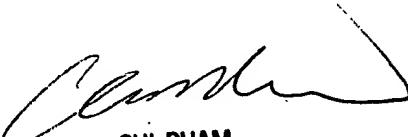
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris  
Examiner  
Art Unit 2663

  
DWF

  
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SUPERVISORY PATENT EXAMINER  
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12/6/01